

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

CASE NO. 1:19-CV-593-LCB-JLW

ZION WILLIAMSON,

Plaintiff,

v.

PRIME SPORTS MARKETING, LLC, and
GINA FORD,

Defendants.

JOINT RULE 26(f) REPORT

The parties to the above-entitled action jointly submit this Rule 26(f) Report.

1. Attendance

Pursuant to Fed.R.Civ.P. 26(f) and Local Rule 16.1(b), a telephonic meeting was held on March 2, 2021, and was attended by Jeffrey Klein, Lauren Richards, John Wester, and Fitz Barringer for Plaintiff, and Stephen Drummond and JoAnn Squillace for Defendants.

2. Discovery Plan. The parties propose to the Court the following discovery plan:

i. Pending Motions

Defendants have filed a “Motion to Amend or Alter Judgment” regarding the Court’s January 20, 2021 Order, ECF No. 49, granting Plaintiff’s Motion for Partial Judgment on the Pleadings. Defendants also filed a Motion for Leave to Amend Answer, Affirmative Defenses and Counterclaims. The parties agree that discovery should not be postponed pending determination of the motions, and that discovery shall be limited to the topics set forth below.

ii. Commencement of Discovery

The “commencement date” of discovery will be: April 1, 2021.

iii. Discovery Topics

Discovery will be pursued on the following topics:

1. The content, development, and protection of, and work relating to, Defendants' marketing materials.
2. Plaintiff's (including anyone acting on Plaintiff's behalf) acquisition of those marketing materials and the extent (if at all) to which those marketing materials were shared with others.
3. Marketing and endorsement contracts consummated by Mr. Williamson's representatives for Mr. Williamson with the targeted businesses identified in Defendants' partnership summaries that were provided by Defendants to Mr. Williamson and/or his family.
4. Defendants' purported damages relating to the above.

Defendants have agreed not to pursue discovery at this time, unless and until the Court (or any appellate court) reverses the Court's Memorandum Opinion and Order (ECF No. 49) on Plaintiff's Motion for Partial Judgment on the Pleadings, relating to those claims eliminated by the Court's decision granting Mr. Williamson's Motion for Partial Judgment on the Pleadings, including, but not limited to Defendants' First Counterclaim (Breach of Contract) and Defendants' Second Counterclaim (Breach of the Implied Covenant of Good Faith and Fair Dealing). This includes discovery addressing Mr. Williamson's eligibility as a student-athlete.

Plaintiff has agreed not to pursue discovery relating to Count III of the First Amended Complaint (Fraudulent Inducement and Rescission) at this time, unless and until the Court (or any appellate court) reverses the Court's Memorandum Opinion and Order (ECF No. 49) on Plaintiff's Motion for Partial Judgment on the Pleadings, because the relief sought is identical to the relief granted by the Court in its ruling on Plaintiff's Motion for Partial Judgment on the Pleadings. Plaintiff will be voluntarily dismissing Count II (Violation of North Carolina's Unfair and Deceptive Trade Practices Act).

iv. Case-Management Track

The parties agree that the appropriate plan for this case (with any stipulated modification by the parties as set out below) is that designated in LR 26.1(a) as: Complex.

v. Completion of Discovery

The date for the completion of all discovery under Phase I, as set forth below, is September 30, 2021. The parties agree to meet and confer in good faith on a schedule for discovery under Phase II, as set forth below, if necessary.

vi. Stipulated Modifications to the Case-Management Track

- The parties agree to exchange Initial Disclosures under Fed.R.Civ.P. 26(a)(1) by March 31, 2021.
- Defendants note that they may in the future seek to obtain more than the default number of depositions set for the Complex track, as Defendants currently anticipate requiring depositions of Plaintiff, Sharonda and Lee Anderson, Mr. Williamson's representatives at Creative Artists Agency, including Austin Brown and Lisa Joseph-Metelus, as well as individuals affiliated with companies with which Plaintiff has entered into marketing or endorsement deals. The parties have agreed to meet and confer in good faith should Defendants later seek to increase the number of depositions.
- The parties have agreed to phased discovery:
 1. Phase I shall include written and deposition discovery covering Discovery Topics 1-3 set forth above.
 2. Phase II shall include written and deposition discovery (both general and expert) covering Discovery Topic 4 set forth above. Phase II shall occur, if necessary, only after mediation under the Local Rules and the adjudication of summary judgment motions filed by the parties at the conclusion of Phase I.

vii. Rule 26(a)(2)(B) and Rule 26(a)(2)(C) Disclosures

The parties currently anticipate expert discovery occurring only in Phase II of discovery, as set forth above. The parties agree to meet and confer in good faith at such time that either party determines that expert discovery may be required during Phase I. Supplementations will be as provided in Rule 26(e) or as otherwise ordered by the court.

3. Mediation

Mediation should be conducted late in the Phase I discovery period, as set forth above, but before the submission of summary judgment briefing at the conclusion of

Phase I discovery, the exact date to be set by the mediator after consultation with the parties.

The parties were unable to reach an agreement on the selection of a mediator, and wish to submit their respective proposed mediators for the Court's determination.

Plaintiff's Proposals

1. Raymond Owens, *Charlotte, NC*, <https://www.ncmediators.org/raymond-owens>
2. James Hubbard, *Chapel Hill, NC*, <https://hubbard-law.com/>
3. Wayne Huckel, *Charlotte, NC*, <https://www.ncmediators.org/wayne-huckel>

Defendants' Proposals

1. Brian F. Spector, *Miami, FL*, www.bspector.com
2. Rodney A. Max, *Miami, FL*, www.uww-adr.com/biography/rodney-a-amax
3. Michael P. Essington, *Miami, FL*, <http://www.michaellessington.com/>
4. Jeff Streitfeld, *Fort Lauderdale, FL*, <http://www.streitfeldlaw.com/>
5. Ken Thompson, *Baltimore, MD*, <https://www.venable.com/professionals/t/kenneth-l-thompson>

4. Preliminary Deposition Schedule

Preliminarily, the parties agree to the scheduling of depositions following the substantial completion of written discovery in Phase I. Given the ongoing effects of COVID-19 and certain scheduling limitations of likely deponents, the parties have agreed to postpone the scheduling of depositions and engage in ongoing, good faith efforts to schedule depositions later in the Phase I discovery period.

5. Other Items

i. Joinder of Additional Parties and Amending the Pleadings

The parties shall have until July 1, 2021, to request leave to join additional parties and to amend their pleadings. Should Defendants believe that they have good cause to seek joinder of additional parties after July 1, 2021, Plaintiff agrees to meet and confer in good faith, it being understood and agreed by Defendants, that Plaintiff reserves all rights to object to any such request.

Defendants recently filed a Motion for Leave to Amend Answer, Affirmative Defenses and Counterclaims. Plaintiff does not consent to the relief sought and intends to timely file an opposition to Defendants' motion.

ii. Reference to a Magistrate Judge/Appointment of a Master

The parties have discussed special procedures for managing this case, including reference of the case to a Magistrate Judge on consent of the parties under 28 U.S.C. §§636(c), or appointment of a master. The parties do not consent to any assignment.

iii. Trial Length

A jury trial has been demanded. The parties have met and conferred in good faith, and believe it is premature to estimate the length of trial given the current status of the case, the claims at issue, and the agreement to phase discovery as set forth above. The parties agree to meet and confer in good faith on this issue and submit an update to the Court in connection with their discussions regarding the schedule for Phase II discovery, should such Phase II discovery prove necessary.

iv. Confidential and/or Sealed Documents

This case may involve confidential or sealed documents, and the parties have separately filed a LR 5.5 Report.

v. Use of Discovery in the Related Florida Action

The parties have agreed that discovery obtained in connection with this action may be used in connection with the Florida Action between the parties, *Prime Sports Marketing, LLC and Gina Ford v. Zion Williamson, Creative Artists Agency, LLC (CAA), and Lisa Josephs Metelus*, Case No. 2019-018705-CA-01. Nothing within this 26(f) Report shall preclude any party hereto from raising any arguments with respect to discovery in the Florida action.

This 12th day of March 2021.

/s/ John R. Wester

John R. Wester

N.C. Bar No. 4660

jwester@robinsonbradshaw.com

Robert E. Harrington

N.C. Bar No. 26967

rharrington@robinsonbradshaw.com

Fitz E. Barringer

N.C. Bar No. 42679

fbarringer@robinsonbradshaw.com

ROBINSON, BRADSHAW & HINSON,
P.A.

101 N. Tryon St., Ste. 1900

Charlotte, North Carolina 28246

Telephone: 704.377.2536

Facsimile: 704.378.4000

Jeffrey S. Klein*

Jeffrey.Klein@weil.com

Pravin R. Patel*

Pravin.Patel@weil.com

Lauren E. Richards*

Lauren.Richards@weil.com

WEIL, GOTSHAL & MANGES LLP

767 Fifth Avenue

New York, NY 10153

Telephone: 212.310.8790

Facsimile: 212.310.8007

*Local Rule 83.1(d) Special Appearance

Attorneys for Plaintiff

/s/ Willie E. Gary

WILLIE E. GARY, ESQ.
GARY, WILLIAMS, PARENTI, WATSON
& GARY, PLLC

Attorneys for Defendants
PRIME SPORTS MARKETING, LLC
and GINA FORD

221 E. Osceola Street
Stuart, Florida 34994
(772) 283-8260

weg@williegary.com

**Local Rule 83.1(d) Special Appearance*

/s/ Alvin L. Pittman

ALVIN L. PITTMAN, ESQ. (N.C. Bar No.
8460)

office@apittman-law.com

Law Offices of Alvin L. Pittman
Attorneys for Defendants
PRIME SPORTS MARKETING, LLC
and GINA FORD

Airport Center Building
5901 W Century Boulevard, Suite 412
Los Angeles, California 90045
(310) 337-3077
(310) 337-3080 (fax)

/s/ Stephen L. Drummond

Stephen L. Drummond*

sdrummond@dswinlaw.com

DRUMMOND & SQUILLACE, PLLC
Attorneys for Defendants
PRIME SPORTS MARKETING, LLC
and GINA FORD

175-61 Hillside Avenue, Suite 205
Jamaica, New York 11432
Tel: (718) 298-5050
Fax: (718) 298-5554

**Local Rule 83.1(d) Special Appearance*

/s/ JoAnn Squillace

JoAnn Squillace*

jsquillace@dswinlaw.com

DRUMMOND & SQUILLACE, PLLC

Attorneys for Defendants

PRIME SPORTS MARKETING, LLC

and GINA FORD

175-61 Hillside Avenue, Suite 205

Jamaica, New York 11432

Tel: (718) 298-5050

Fax: (718) 298-5554

**Local Rule 83.1(d) Special Appearance*

Attorneys for Defendants